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SERVICE DATE – JULY 24, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 6 (Sub-No. 496X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN THE CITY OF DES
MOINES, POLK COUNTY, IOWA

Docket No. AB 290 (Sub-No. 400X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN THE CITY OF DES MOINES, POLK COUNTY, IOWA

Decided: July 23, 2018

BNSF Railway Company (BNSF) and Norfolk Southern Railway Company (NSR) jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Services for BNSF to abandon, and for NSR to discontinue service over, approximately 0.45 miles of rail line between milepost 67.38 and milepost 66.93 in the City of Des Moines, Polk County, Iowa (the Line). Notice of the exemption was served and published in the Federal Register on June 5, 2018 (83 Fed. Reg. 26,139). The exemption became effective on July 5, 2018.

In an Environmental Assessment served May 25, 2018, the Board's Office of Environmental Analysis (OEA) found, pursuant to 36 C.F.R. § 800.4(d)(1), that no historic properties listed in or eligible for listing in the National Register of Historic Places would be affected by the proposed abandonment and invited the State Historical Society of Iowa (SHPO) and other interested parties to comment on that finding. To provide sufficient time to comment, OEA recommended that the Board impose a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, requiring BNSF to: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the rail right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (2) report to OEA regarding any consultations with the SHPO, any other Section 106 consulting parties, and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition. The Board imposed the recommended condition by decision served on July 3, 2018.

In a Supplemental Final Environmental Assessment dated July 16, 2018, OEA states that it did not receive any comments related to historic properties. OEA further states that because

the SHPO did not object to OEA's finding within the 30-day review period, OEA concludes that the Board's responsibilities under Section 106 of the NHPA have been completed. OEA therefore recommends that the Section 106 condition be removed.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the July 3, 2018 decision is removed.
3. This decision is effective on its service date.

By the Board, Amy C. Ziehm, Acting Director, Office of Proceedings.